

210:10-3-112. Smart Snacks in School

(a) Smart Snacks in School nutrition standards. Pursuant to the USDA Smart Snacks in School nutrition standards at 7 C.F.R. 210.11, competitive foods—those foods sold in schools during the school day, outside the federal reimbursable school meal programs—must meet the following requirements:

(1) General standards for competitive food. To be allowable, a competitive food item must:

- (A) Be a grain product that contains 50% or more whole grains by weight or have whole grain as the first ingredient (after water); or
- (B) Have as the first ingredient (after water) one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or
- (C) Be a combination food that contains at least ¼ cup fruit and/or vegetable.

(2) Nutrient standards for competitive food. Allowable competitive food items must contain:

- (A) 35% or fewer calories from total fat;
- (B) Fewer than 10% calories from saturated fat;
- (C) Less than 0.5 g trans fat per portion;
- (D) 35% or less of weight from total sugar;
- (E) 200 mg or less sodium per item for snack items and side dishes sold a la carte, and 480 mg or less sodium per item for entrees sold a la carte;
- (F) 200 calories or fewer per item for snack items and side dishes, and 350 calories or fewer per item for entrees sold a la carte;
- (G) Limited use of accompaniments, and the accompaniment must be included in the nutrient profile as part of the food item; and
- (H) Foods and beverages sold at elementary schools and middle schools may not contain caffeine.

(3) Standards for beverages. The standards for beverages sold as competitive food items differ among elementary schools, middle schools, and high schools.

- (A) In elementary schools, the following beverages are allowable as competitive items:
 - (i) Plain water or plain carbonated water, no limit;
 - (ii) Low fat unflavored milk, 8 fl. oz. or less;
 - (iii) Non fat flavored or unflavored milk (including nutritionally equivalent milk alternatives), 8 fl. oz. or less;
 - (iv) 100% fruit/vegetable juice, 8 fl. oz. or less; and
 - (v) 100% fruit/vegetable juice diluted with water, with or without carbonation (no added sweeteners), 8 fl. oz. or less.
- (B) In middle schools, the following beverages are allowable as competitive food items:
 - (i) Plain water or plain carbonated water, no limit;
 - (ii) Low fat unflavored milk, 12 fl. oz. or less;
 - (iii) Non fat flavored or unflavored milk (including nutritionally equivalent milk alternatives), 12 fl. oz. or less;
 - (iv) 100% fruit/vegetable juice, 12 fl. oz. or less; and
 - (v) 100% fruit/vegetable juice diluted with water, with or without carbonation (no added sweeteners), 12 fl. oz. or less.
- (C) In high schools, the following beverages are allowable as competitive food items:

- (i) Plain water or plain carbonated water, no limit;
- (ii) Low fat unflavored milk, 12 fl. oz. or less;
- (iii) Non fat flavored or unflavored milk (including nutritionally equivalent milk alternatives), 12 fl. oz. or less;
- (iv) 100% fruit/vegetable juice, 12 fl. oz. or less;
- (v) 100% fruit/vegetable juice diluted with water, with or without carbonation (no added sweeteners), 12 fl. oz. or less;
- (vi) Other flavored and/or carbonated beverages of 20 fl. oz. or less, that are labeled to contain 5 or fewer calories per 8 fl. oz., or 10 or fewer calories per 20 fl. oz.; and
- (vii) Other flavored and/or carbonated beverages of 12 fl. oz. or less, that are labeled to contain 40 or fewer calories per 8 fl. oz., or 60 or fewer calories per 12 fl. oz.

(b) Exempt fundraisers. A school district that wishes to conduct fundraisers that are exempt from the rules in subsection (a) must adopt a written policy, which shall provide for the following:

(1) Each school site shall designate a Smart Snacks in School Exempt Fundraiser contact person, who shall be responsible for maintaining up-to-date documentation regarding each exempt fundraiser held at the school site;

(2) A limit of thirty (30) exempt fundraisers per semester may be held at each school site;

(3) Exempt fundraisers are prohibited from taking place while meals are being served to students under the National School Lunch Program or the National School Breakfast Program, and while afterschool snacks are being served to students under the Afterschool Snack Program;

(4) The maximum duration of any individual exempt fundraiser shall be fourteen (14) days; and

(5) For each individual exempt fundraiser, documentation must be kept on file at the school site showing:

(A) The school organization, activity, class, or other group that benefits from the fundraiser; and

(B) The date(s) the fundraiser is conducted, with the duration not to exceed fourteen (14) days.

A school site is not authorized to conduct or allow any exempt fundraisers unless the school district has adopted a written policy that meets the requirements of this subsection. All competitive foods sold in a school district that does not have such a written policy must meet the nutritional guidelines listed in subsection (a).